

REMARKS/ARGUMENTS

The Applicant appreciates the Examiner's continued consideration of the present Application and also appreciates the Examiner's time in conducting the Interview with the Applicant on January 18, 2005. In the Interview, the Examiner indicated that he would provide a summary of the Interview and that the Applicant need not provide any summary of the Interview. The Applicant subsequently received the Interview Summary mailed by the Examiner on January 21, 2005.

As requested by the Examiner in the Interview, the present Amendment sets forth the Applicant's arguments as to why the pending claims in the present Application should be allowed notwithstanding the rejections in the Office Action dated November 2, 2004. In the Office Action, claims 1-4, 6-15, 17, 19 and 21-26 (particularly claims 1, 13 and 25) were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Further, claims 1-4, 6-15, 17, 19 and 21-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,765,142 to Allred et al.

The Applicant's arguments concerning the allowability of claims 1-4, 6-15, 17, 19 and 21-26 in view of the aforementioned rejections are set forth in detail below. The Applicant further reminds the Examiner that these claims are allowable over U.S. Patent Nos. 5,991,726 to Immarco et al. and 6,434,530 to Sloane et al., which were the subjects of past Office Actions and Amendments, for at least the reasons set forth in those past Amendments.

The Applicant respectfully notes that the present Office Action apparently neglected to address claims 27-34, which were newly-added in the Amendment With RCE filed on July 14, 2004. The Applicant respectfully requests consideration and allowance of these claims, particularly since these claims not only recite product location and product availability information as in the other pending claims, but also recite additional limitations not included within the other independent claims.

The Applicant also notes that, as shown above, certain minor amendments have been made to the pending claims in the present Amendment to correct for minor typographical errors. These amendments have not been made for reasons substantially related to the patentability of the claims.

Allowability of the Claims Under 35 U.S.C. 103(a)

Despite the comments in paragraph 4 of the Office Action, the Applicant respectfully submits that claims 1-4, 6-15, 17, 19 and 21-26 (as well as claims 27-34) are allowable under 35 U.S.C. 103(a) over Allred et al. As discussed in further detail below, the Applicant submits that Allred et al. fails to disclose several limitations that are recited in the Applicant's claims. Further, Allred et al. fails to provide any suggestion or motivation to arrive at the invention recited by the Applicant's claims, insofar as Allred et al. relates to a different type of system than that which is the subject of the Applicant's claims.

As has been discussed in the Applicant's previous Amendments, the Applicant's invention pertains to a system having one or more substantially stationary terminals positioned in a store that are capable of providing information to store customers regarding the physical/geographic location of products within the store in response to the customers' inquiries. The system not only contains product location information, but also includes other product-related information, at least some of which is product availability or inventory information. Because the system keeps track of both product location and product availability information, the system is capable of providing product location that is accurate in light of current inventory.

In contrast to the Applicant's pending claims, Allred et al. entirely fails to disclose a system for providing product location information. The Applicant is unable to find within Allred et al. any mention of the providing of "location" information concerning products within a store. Although Allred et al. on one occasion mentions the possibility of an "information directory kiosk" at col. 3, line 67, there is no disclosure or suggestion that such kiosk could or would be used to provide information regarding the physical/geographic location of products within a store.

Further, the consumer interface design/kiosk module 17, which is referenced in paragraph 4 of the Office Action, in particular does not constitute a user interface at which product location information is provided. Rather, such module "is used to design and maintain a touch screen-based kiosk Consumer Interface for the marketing of the products previously developed through the other modules" (col. 8, lines 29-32). That is, while such module may constitute or form the basis for an interface of sorts, there is absolutely no indication that such interface would provide

information regarding, or respond to customer inquiries regarding, the location of products within a store.

That the Applicant's claims differ from Allred et al. in this manner is not surprising, since Allred et al. appears to focus upon a different type of system than that which is the subject of the Applicant's claims. In particular, Allred et al. apparently relates to a "metasystem" for "producing or 'authoring' other systems, particularly multimedia customer service systems for the marketing of products and services that are to be selected in light of certain preferences or product characteristics specified by a consumer" (col. 3, lines 40-5). Thus, Allred et al. is focused upon a general design system that allows for the creation of other systems, particularly systems that allow customers to create specially-tailored items on-site such as greeting cards, invitations, banners, posters, etc. (see col. 3, lines 57-8).

Because Allred et al. is primarily directed toward a metasystem for creating multimedia customer service systems that allow for the on-site creation of specially-tailored items, it would not have been obvious to one of ordinary skill in the art to modify Allred et al. to arrive at the Applicant's claimed invention. As discussed above, the Applicant's claimed invention concerns a system that provides information about the actual physical/geographic locations of products existing within a store. In contrast, rather than being concerned with locating existing products within a store, Allred is merely concerned with custom-designing new products on-the-spot. Consequently, Allred et al. appears to lack any suggestion or motivation to modify its teachings so as to arrive at a system that provides, to customers in a store, information regarding the physical/geographic location of products within the store.

For at least the above reasons, therefore, the Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to arrive at the Applicant's claimed invention in view of Allred et al., and consequently that all of the pending claims should be allowed under 35 U.S.C. 103(a) over Allred et al.

Allowability of the Claims Under 35 U.S.C. 112

In paragraph 3 of the Office Action, several indefiniteness rejections were raised in relation to claims 1, 13 and 25. Three of the indefiniteness rejections, one with respect to each of these three claims, apparently concerned the use of the phrase "within the store." The remaining

indefiniteness rejections related to the clause found in each of claims 1 and 13, namely, that an “inventory information unit determines based upon the product availability information that [the/a] product” is unavailable at a location.

With respect to the first set of indefiniteness rejections concerning the use of the phrase “within the store”, the Applicant respectfully submits that the Applicant does not fully understand the reason for these three indefiniteness rejections and further submits that, despite these rejections, this claim language in claims 1, 13 and 25 is definite.

More particularly, the Applicant submits that the term “store” is definite in view of the Specification of the present Application. Further, the Applicant submits that the use of the phrase “within the store” within the bodies of claims 1, 13 and 25 reflects appropriately that the claims include proper antecedent bases within their respective preambles for use of the term “store”. That is, the preamble in each of claims 1, 13 and 25 recites a system for providing product-related (or product location) information “within a store”. Consequently, it is only proper that these claims later refer to “the store” rather than “a store”.

As for the remaining two indefiniteness rejections, the Applicant again respectfully submits that the Applicant does not fully understand the reason for these indefiniteness rejections and further submits that, despite these rejections, the clause at issue (“inventory information unit determines based upon the product availability information that [the/a] product . . .”) in claims 1 and 13 is definite.

Rather than being indefinite, the clause at issue in claims 1 and 13 clearly sets forth exemplary behavior of an inventory information unit that contains information regarding the availability of one or more products within a store. More particularly, when the inventory information unit determines that a product is unavailable at a given location based upon its product availability information, then the inventory information unit subsequently operates in a specific manner as set forth in the remainder of the claims. The clause in claim 1 refers to “the product” since the product is already referenced earlier in the claim, while the clause in claim 13 refers to “a product” since the product is only first referenced within that clause.

For at least these reasons, therefore, the Applicant respectfully submits that the indefiniteness rejections raised in relation to the pending claims are overcome.

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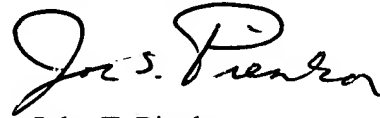
Appl. No. 09/626,365
Amdt. Date February 2, 2005
Response to Office Action of November 2, 2004

Conclusion

In view of the Applicant's Remarks and Amendments submitted herewith, the Applicant respectfully requests reconsideration and allowance of the present Application, including all of the pending claims 1-4, 6-15, 17, 19 and 21-34. The Applicant believes that no fees are due in connection with the submission of this Fourth Amendment.

The Applicant invites the Examiner to telephone the Applicant at the telephone number listed below if discussion with the Applicant would further the prosecution of the present Application, or otherwise be of assistance to the Examiner.

Respectfully,

A handwritten signature in cursive script, appearing to read "John T. Pienkos".

John T. Pienkos
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